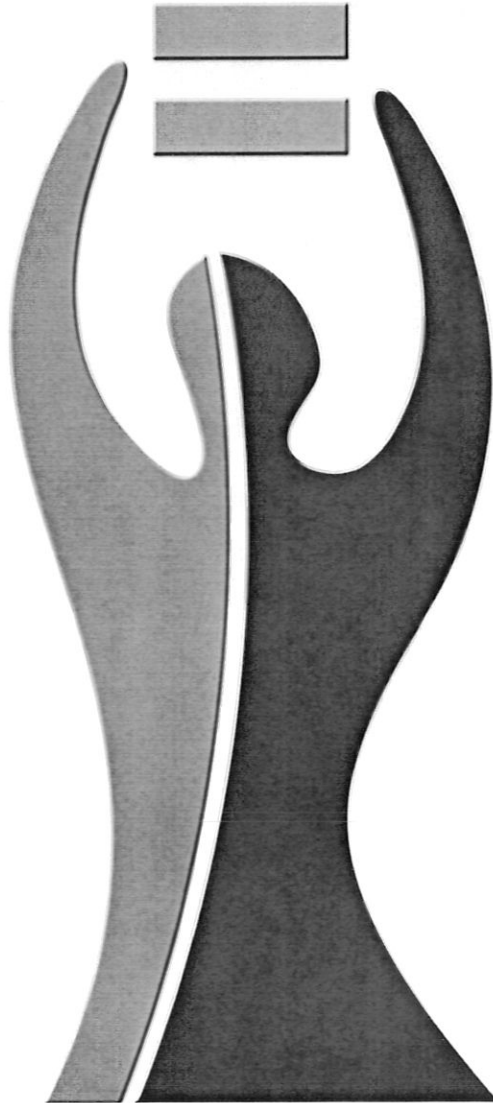


AFRICAN AMERICAN LEGISLATIVE DAY



2009

FEBRUARY 16, 2009



Monday, February 16, 2009

Register Online Now at www.caa.wa.gov

In-Person Registration on Feb. 16th

9:00 am. **Washington Center for the Performing Arts**
- OR -
The Columbia Room, Legislative Building (Dome), first floor

9:30 **Pastor's Forum**
Room 112 of the Legislative Building (Dome)

Issues Forum

9:45 a.m. **Main Auditorium**
Washington Center for the Performing Arts
 Downtown Olympia, 512 Washington Street SE, Olympia, WA 98501
www.washingtoncenter.org/directions/default.asp

- Welcome
- Invocation
- National anthems

10:00 **Introduction to African American Legislative Day**
Video presentation

Why we must act to change public policy

Video presentation

Spoken Word
Rajni Eddins

10:15 **How to make your voice heard in Olympia**
Video presentation

10:30 **Legislative Forum**

- Green Jobs Training – Senate Bill 5051
- Three-Strikes Sentencing Reform – Senate Bill 5292
- Voting Rights Restoration – Senate Bill 5534 / House Bill 1517
- Implementation Update – House Bill 2722
- Achievement/Opportunity Gap Bills, Provisos, Amendments
- Youth Violence

- 11:30 **Mass Call to Legislative Hotline**
- 11:35 Commission on African American Affairs, overview and introductions
- 11:45 Closing remarks and video
- Noon **Lunch box distribution**
- Washington Center for the Performing Arts
 Lunches will be distributed as you exit the
- The Columbia Room, Legislative Building (Dome), first floor
 Lunches will be distributed here for those arriving after the Issues Forum
- 12:15 to 3:00 **Meetings with legislators as scheduled individually by participants**
- 3:00 **Ministers Prayer Circle – all attendees are welcome to join the circle**
 State Capitol Rotunda, Legislative Building (dome)
- 3:30 **URGENT -- Charter buses** are scheduled to leave Olympia at **3:30 p.m.**
- 4:00 – 6:00 **Joint meeting and dinner**
 Black Education Strategy Roundtable
 Commission on African American Affairs
- 6:15 pm. Legislative Day program ends

Make Your Voice Heard in Olympia

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that can.

- Margaret Mead

Government policy has a profound impact on people whether poor or rich. Our rights and our future depend upon decisions made by our lawmakers. How can you address these complicated issues? Become an advocate. If there's a current Washington law you would like to see changed or a proposed law you would like to see passed or defeated, you don't have to sit back and hope somebody else does something about it. You can do something about it by lobbying the Washington Legislature. Speak up for yourself, stand up for your rights and show others in the community that you care. You can bring change by lobbying.

Lobbying means encouraging the passage, defeat, or modification of legislation. Lobbying usually involves conveying views and information to legislators in order to sway them toward the action you desire.

Anyone can lobby. Because we all lobby all the time. Whether it is lobbying to convince a friend to see a certain movie, a child to clean their room, the boss for a raise, a co-worker to help out on a project--we all lobby to get things we want. We list the arguments for our position, we point out the problems with the other side's arguments, we enlist the help of those who are more powerful in the situation and we use our own position of power in the situation to get our way. All of this is lobbying.

This document provides you with the tools you'll need to take simple steps towards successful lobbying. Here, you will find helpful information on how to speak up for yourself and others. In lobbying, a little effort from many people goes a long way!

Educate...yourself about the issues

Advocate...let your voice be heard

Empower...initiate change through action

How to get started

To get involved in the national and local legislation level you don't have to be a paid representative of a specific organization. As a citizen acting out of personal interest, you can call, write, or meet with legislators to convey your views and information on a particular issue or piece of legislation and that they are important and worth expressing. Never forget that democracy depends on citizens expressing their views. Lastly the best way to get involved is by teaming up with others who share your issues...and to act on those issues.

Your legislator wants to hear from you!

Your Legislators represent you and others in your district, but they cannot do so effectively if they do not know what you want. There is power in your presence and in your voice. If you are not sure who your legislators are, go to www.leg.wa.gov and click on "Find Your Legislators."

The Washington State Legislator is made up of two houses, or chambers – the Senate and the House of Representatives. Washington has 49 legislative districts, each of which elects a Senator and two

Representatives. Senators serve four-years terms and Representatives serve two-year terms. The Senate and House meet in session each year to create new laws, change existing laws, and enact budgets for the state.

Tips for effective, assertive communication

A passive person...

Gives up his or her rights
Views others as superior
Avoids problems
Give in to others
Bottles up feelings
Gets taken advantage of by others

An aggressive person...

Attacks people, not problems
Makes demands
Instills fear in others
Makes choices for others
Disrespects others' rights

An assertive person attacks problems, not people

Claims legitimate rights
Recognizes the rights of others
Commands respect and respect others
Is honest about feelings

The art of a clear message

Effective advocates speak clearly and concisely. Decide on your key message- the single most important thing you want your listeners to remember. Assume the person you are communicating with does not know anything about you, your life, or the issues that affect your life. A persuasive message will include these elements:

- Your name and where you live
- A concise, compelling description of how the issue affects your life and the lives of others
- Explain how the issue affects you personally, but avoid becoming overly emotional
- Support your point with facts. Legislators want to help, but they cannot be experts on every issue. It's your job to educate them so that they make good decisions.
- The exact action you want the listener to take

How a Bill Becomes a Law

To become a law, a bill introduced in our state must go through these steps:

1. A Bill may first be introduced in either the Senate or House of Representatives.
2. A Committee studies the Bill and often holds public hearings on it.
3. A Committee report is read in open session of the House or Senate, and the Bill is then referred to the Rules Committee.
4. The Rules Committee can either place the Bill on the Second Reading Calendar for debate before the entire body, or take no action.
5. At the second reading, a Bill is subject to debate and amendment before being placed on the third reading calendar for final passage.
6. After passing one House, the bill goes through the same procedure in the other House.
7. If amendments are made, the other House must concur.
8. When the Bill is accepted in both Houses, it is signed by the respective leaders and sent to the Governor.
9. The Governor signs the bill into law or may veto all or part of it. If the Governor fails to act on the Bill, it may become law without a signature.

Using Washington's Legislative Hotline

You do not need to know a specific bill number to contact your legislators. Just tell them what concerns you. If you have been alerted to pending action on a specific bill of interest to you, definitely call to ask them to support your position. They not only welcome such calls, but they have hired staff to wait for your call.

The toll-free Legislative Hotline is 1-800-562-6000. It is a fast and easy way for you to voice your opinions on bills during the legislative session. When you call the hotline, an operator will answer and take your message. Your message will be sent to all there of your legislator and the governor.

Remember that your call is so important that if just 10 or 15 calls are made to support or oppose a bill it is considered a landslide of public opinion! Often, issues that were on lawmakers' radar screens become red flags when they receive calls, e-mails, letters and visits from constituents.

Here are some tips for making an impact with your Hotline calls:

- State your name and full address
- If you know the names of your legislator and your district number, give those. If you do not know, ask the hotline operator to use your address to find out who represents you.
- Identify the specific bill or issue you are calling about. If possible, use the specific bill number.
- State your position (support, opposition, changes, etc.) and keep it simple.
- Ask for a written reply (again, give your full address).
- You can also call your legislator's offices directly in Olympia.
- Phone numbers can be found on the Washington State Legislature website at www.leg.wa.gov

The Legislative Hotline

1-800-562-6000 (During legislative session only)

Weekly hours are 8:00 am to 8:00 pm

Saturday Hours are 9:00 am to 1:00 pm

If the hotline is busy when you call, keep trying!
You will get through, but it may take a few calls.



Tips for writing letters that make an impact

First, you should remember that we live in a small world. These legislators are your neighbors. Once you have met your representatives, you may run into them in the supermarket or at the post office. Your legislators also want and expect to receive letters and phone calls on issues and use these as an important source of information when they decide how to vote. SO, IT IS IMPORTANT THAT YOU WRITE THAT LETTER - IT DOES MAKE A DIFFERENCE.

The letter should be short and to the point. Try to address only one issue in each letter.

Start the letter by stating what it is you want the legislator to do, e.g.

"Please vote in favor of House Bill 000" or "I would like you to work to maintain standards for the quality of health and support for foster children aging out of the system, especially black children."

This could be the only part of the letter read by a busy legislator. After writing to your legislators, you will likely get a written response in return, thanking you for your contact, explaining the issue more fully and letting you know their position. For maximum impact, keep in mind these simple suggestions when crafting your letter.

List the reason(s) that you care about this issue –

"I am a foster parent who has cared for foster children" or "I have young children of my own and cannot imagine how it would feel to be in this world with out support from family."

The more personal the note the better. However, remember to address only one issue and keep your letter to one page. If this bill will have a special effect on an organization or group of people in that legislator's district, point that out. A local angle is always good.

Be polite and do not threaten the legislator. You are working to build a long-term relationship with this legislator. The truth is that even if a legislator is not with you on this issue, he or she may be with you on the next issue you care about. It is important not to burn any bridges.

Be constructive. If possible, offer alternatives.

Money talks. Describe any short- or long-term costs and benefits of adopting your position.

Thank them for their attention to this matter and their past support (if appropriate). Not only is this courteous, but it also shows that you follow the issues.

Ask for their vote. If the legislators are opposed to your position, ask them to reconsider. If they support your position, thank them and ask them to have other legislators vote for the bill.

Use your letter to your State Representative more than once. Also send your letter to your State Senator and the Governor. You can also send it to your local newspaper as a Letter to the Editor.

Letters to the Editor in local papers are read by legislators.

Don't worry about the form of the letter. ANY LETTER IS BETTER THAN NO LETTER. Pen, pencil, typewriter, or even a postcard is O.K. Just be sure it is legible.

Of course, you could e-mail your letter. More and more legislators are using e-mail to communicate with their constituents. However, although e-mail may be easier than writing a letter, some legislators give less weight to e-mail than to letters. When you send an e-mail message, follow the same rules as for letters and phone calls.

Be sure to find out what happened on the issue you wrote about and let your legislators know that you are following their action on this issue. It is great to write a "thank you" note if they voted the way you wanted on an issue. Send a note of regret if they voted against your wishes. Again be polite, but let the legislator know you are disappointed in the way he/she voted on this issue and why.
LEGISLATORS REALLY DO LISTEN TO THEIR CONSTITUENTS. LET THEM KNOW WHAT YOU THINK!

Using E-mail to contact your legislator

All legislators' e-mail addresses begin with the first eight letters of the legislator's last name, followed by an underscore and the first two letters of the legislator's first name, followed by @leg.wa.gov . For example, the e-mail address for Sen. Thomas Jefferson would be Jefferson_th@leg.wa.gov.

You can also find your legislators' e-mail addresses by visiting the Washington State Legislature website at www.leg.wa.gov . At this site you will also find information about your legislators' background, the committees on which they serve, voting records, bills they have sponsored, and more.

Legislative addresses

Governor

Governor Christine Gregoire
Office of the Governor
Legislative Building
Olympia, WA 98504-0002

House of Representatives
The Honorable (full name)
House of Representatives
PO Box 40600__*
Olympia, WA 98504-0600

Senate

The Honorable (full name)
State Senate
PO Box 404__*
Olympia, WA 98504

* After "404," insert your
district number

For example, the address for
the Senator representing the
33rd District would be PO Box 40433

Remember your voice counts

Two thousand is the number of bills introduced in a typical year in a state legislature. Only about 15 to 20 percent will become law, but all must be considered.

20 percent is the percentage of voters who contact an elected official in a typical year. It is important that voters keep in contact with lawmakers. Legislators – regardless of their many abilities - cannot read our minds. If we want them to represent us, we have to tell them how we wish to be represented.

Remember it only takes a dozen phone calls or letters to get a legislator's attention on an issue. As one senator said, a dozen calls "won't buy my vote, but they will rent my attention." If lawmakers are sorting through 2,000 bills and we want them to focus on the three or four that are important to us, then we have to rent their attention for the bills we care about. We can do this simple by generating a dozen or so calls or letters from voters in their districts.

It may take a dozen contacts to get a legislator's attention, but it only takes five to seven legislators to start or stop anything in most states. Anyone would be daunted by the prospect of having to win over the whole state House and whole state Senate, but that isn't necessary. Action on a bill starts in committee, which usually has nine to 13 members. To get attention on a good bill (or kill a bad bill), it takes just 51 percent of that committee.

With a little strategic organizing and time:

- You can stop a lot of bad policy ideas before they get anywhere
- You can start good policy ideas through the process, and
- You can at least get some legislators/staff/media educated about our issues.

"Too many people are only willing to defend rights that are personally important to them. It's selfish ignorance, and it's exactly why totalitarian governments are able to get away with trampling on people. Freedom does not mean freedom just for the things I think I should be able to do. Freedom is for all of us. If people will not speak up for other people's rights, there will come a day when they will lose their own,"

- Tony Lawrence

BILL REPORT

Senate Bill 5051

As of January 22, 2009

Title: An act relating to creating an energy efficiency worker training program.

Brief Description: Creating an energy efficiency worker training program.

Sponsors: Senators Franklin, Shin, Kohl-Welles and Kline.

Brief History: Committee Activity: Labor, Commerce & Consumer Protection: 1/19/09.
SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: On February 7, 2007, Governor Gregoire issued an executive order establishing goals for Greenhouse Gas (GHG) emissions reductions, for increasing clean energy sector jobs, and for reducing expenditures on imported fuel. The executive order also directed the Department of Ecology (DOE) and the Department of Community, Trade, and Economic Development (CTED) to lead stakeholders in a process that will consider a full range of policies and strategies to achieve the emissions goals. Also in 2007 the Legislature passed ESSB 6001, Mitigating the Impacts of Climate Change, placing into statute the goals for GHG emission reductions and increasing clean energy jobs.

The legislation also requires the DOE and CTED to provide a report every even-numbered year on the total GHG emissions for each major source sector. In 2008 the Legislature passed E2SHB 2815, Providing a Framework for Reducing Greenhouse Gas Emissions in the Washington Economy. This legislation established the Green Economy Jobs Growth Initiative based on the goal of increasing the number of clean energy sector jobs.

Additionally, a green industries job training account was created to train and transition workers to clean economy industry jobs.

Summary of Bill: The Washington Energy Efficiency Worker Training Program (program) is created within the CTED. The program is created to help individuals, including at-risk youth, prepare for jobs in the energy-efficient building, construction, and retrofit industries.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Senate Bill Report - 1 - SB 5051

The program must provide occupational skills training in the energy-efficient building, construction, and retrofit industries. The program may include internship programs in fields related to energy efficiency and renewable energy.

CTED, in collaboration with the Workforce Training and Education Coordinating Board, must adopt rules to implement the program. CTED must provide an interim report to the Legislature by December 1, 2011, and a final report by December 1, 2013. The report must detail the effectiveness and any recommendations for the program. The program takes effect July 1, 2009, and expires June 30, 2014.

Appropriation: None.

Fiscal Note: Requested on January 13, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on August 1, 2009.

Staff Summary of Public Testimony: PRO: This bill is based on a program in Berkeley, California. This bill is focused on youth that did not fit into the marketplace and system. This program is a partnership with business, labor, and the community, and works with youth who would not be in the mainstream market for training. This program focuses on disaffected youth and working within community partners. This bill has to do with energy efficiency. We would like to see an amendment including apprenticeship. In ten years this issue will be huge and we would like to be leaders in this area. There is a need for this mechanical ability and for individuals to be trained to replace those that are retiring. This bill is worth its merits and looks at global warming and urban poverty and finding a solution for both. We need to catch-up in this industry for our young people. We need to figure out how to get people into green jobs. There is a growing need for these kinds of workers in this industry. We hope this program will connect with existing programs. Work is being done in pre-apprenticeship programs with wind turbines. High schools need a pathway to preapprenticeship work.

We need to prepare young people and train for family wage jobs.

Persons Testifying: PRO: Senator Franklin, prime sponsor; Christian Dube, International Union of Engineers (IUOE) 286; Miguel Perez, Climate Solutions; Jim King, Washington State HVAC/R Association; Randy Loomans, IUOE 302; Bob Gunther, International Brotherhood of Electrical Workers 77; Lincoln Ferris, NACA'N Consulting.

FIX WASHINGTON'S 3-STRIKES LAW

PLEASE SUPPORT SENATE BILL 5292 TO REMOVE ROBBERY 2 FROM THE 3-STRIKES LIST

EXHIBIT A: High Severity, Low Seriousness

Mr. Wheeler is serving a "minimum term" of 777 years and 77 months with no possibility of parole for committing three unarmed, no-injury "Robbery 2s." Robbery 2 is the most common 3-Strikes conviction.

Photo and "Good Conduct Time" summary shared with permission.



IISO440-37

WASHINGTON DEPARTMENT OF CORRECTIONS
EARNED EARLY RELEASE CREDITS

PAGE 1

DATE: 08 25 07 NAME: WHEELER, JOHN

DOC NO:
COUNSELOR:

GOOD CONDUCT TIME

ON THIS SENTENCE FROM KING COUNTY, 981012311 WITH A MINIMUM TERM OF 777 YEARS, 77 MONTHS, 77 DAYS, YOU HAD THE POTENTIAL TO EARN 3425 DAYS OF GOOD CONDUCT TIME (GCT). FROM THE TIME START ON THIS CAUSE, 07/16/99 TO THE START OF THIS REPORTING PERIOD YOU HAVE LOST 0.00 DAYS OF GCT.

IN THIS PERIOD, 07/01/06 TO 08/01/07, YOU HAVE LOST OR WILL BE RECOMMENDED TO LOSE 0.00 DAYS OF GCT AS A RESULT OF INFRACTIONS.

EXHIBIT B: State Agency Recommends Reform

- That the Legislature **REMOVE ROBBERY 2 FROM THE LIST OF OFFENSES THAT CONSTITUTE A STRIKE UNDER THE PERSISTENT OFFENDER STATUTE;** and
- That the Legislature examine the circumstances under which a charge of Assault 2 applies and examine under what circumstances, if any, should Assault 2 be treated as a strike...

A Comprehensive Review and Evaluation of Sentencing Policy in Washington State, WA Sentencing Guidelines Commission, 2000-2001

Delay in implementing this reform is estimated to cost

**OVER \$2
MILLION
YEARLY**

in corrections operating expenses alone.

EXHIBIT C: Low Cost Effectiveness

Multiple studies find low cost-effectiveness, questionable benefits, and unintended consequences. A 2008 study found that effects on crime in California, where approximately 100,000 people are serving under Two and Three Strikes are "mostly undetectable" and not different from the effects measurable in states, such as Washington, with many fewer Three Strikes convictions. The author cites "tremendous monetary and social costs." Chen, Elsa Y. Impacts of "Three Strikes and You're Out" on Crime Trends in California and Throughout the United States. J. Contemporary Criminal Justice, 2008.

EXHIBIT D: Extreme Racial Disparity

From 2007 list of Persistent Offenders,
Sentencing Guidelines Commission

Summary by Race		
Asian	5	1.9%
Black	117	45.3%
Hispanic	8	3.1%
Nat. Am.	8	3.1%
Unknown	4	1.6%
White	150	58.1%
Total	292	100.0%

"Alongside drug sentences, "Three Strikes" offenses are perhaps the most objective example of notorious racial disparity in Washington State. Under "Three-Strikes," African Americans are sentenced to life in prison with no possibility of parole at a rate nearly 19 times higher than for white offenders. Same crime - more time." Le Roi Barshears, Washington State's War on the Black Family, 12/12/08, Washblog.

EXHIBIT E: Inadequate defense for the poor

"I was court-appointed trial counsel in 1997 in this matter. I was compensated BY CLARK COUNTY at a flat rate of \$1,500 for the trial. This was far less than the amount needed to provide an adequate defense."

Perry Buck, 9/16/08. Public defender for Shawn Cruze's third strike. Mr. Cruze was sentenced to life under 3-Strikes at the age of 24 for crimes in the lowest quartile of seriousness under state criminal law. Used with permission.

"THE CLARK COUNTY INDIGENT DEFENSE SYSTEM is failing to fulfill the statutory requirements under Washington law to provide legal representation for poor criminal defendants consistent with the constitutional requirements of fairness, equal protection, and due process in all cases where the right to counsel attaches."

Overview of the Clark Co., WA Indigent Defense System in 2002, Prepared for Clark County Commissioners by Am. Bar Assoc

Does the reform have public support?

Yes! Organizations that have joined a statement of support at fix3strikes.org include:

American Civil Liberties Union of Washington *** Center for Social Justice *** Coalition of Anti-Racist Whites *** Church Council of Greater Seattle *** First African Methodist Episcopal Church – Seattle *** Friends Committee on Washington State Public Policy *** Justice Works! *** Lutheran Public Policy Office of Washington State *** Minority Executive Director's Coalition of King County *** NAACP - Alaska, Oregon and Washington State - Area Conference *** Peace and Justice Action League of Spokane *** Religious Coalition for the Common Good *** Seattle Fellowship of Reconciliation *** Seattle King County NAACP *** Statewide Poverty Action Network *** United Black Christian Clergy Association of Washington State *** Washington Defender Association *** Washington State Unitarian Universalist Voices for Justice *** Western Washington Fellowship of Reconciliation.

Other organizations and many other individuals have spoken out for reform over the years. Recent editorials in the Yakima Herald and Seattle Times support reform. Also see justiceisnogo.org for grassroots information.

Would reform endanger public safety?

No. Reform would enhance public safety.

From fix3strikes.org/data.html and fix3strikes.org/research.html

With Robbery 2 reform few individuals who have been convicted of any strike offenses above the mid-range of the state's criminal seriousness scale would complete their standard maximum terms and be released. It is estimated that this would include fewer than a dozen people in the next ten years. In contrast, hundreds of people convicted of crimes involving crimes of similar seriousness are released every year in Washington. The majority of all people released under Robber 2 reform would be in their 50s, 60s, or 70s -- decades during which people commit very few crimes – but are extremely expensive to house.

Violent crime began declining in the United States several years before Washington State passed the nation's first 3-Strikes law. Several studies have concluded that this decline has been significantly slower in cities where 3-Strikes laws are in place. Across the country, cities in 3-Strikes states have experienced homicide rates that are 10-12% higher than expected. Some studies show additional fatalities and other risks to law enforcement.

Does reform put public safety first?

Yes! Research shows that 3-Strikes laws have uncertain benefits that are, at best, of low cost-effectiveness compared with proven methods, and that the law is associated with significantly higher than expected homicide rates and additional risks to law enforcement. We are safer when we use our limited public safety dollars for policies that work well and are cost-effective. RCW 9.94A.515 states that punishments must be commensurate with the crimes, frugal with state resources, and provide an opportunity for people to improve themselves. Bringing our state's 3-Strikes law into alignment with the cornerstone principles of our criminal justice code is both ethical and protective of public safety.

To: Tacoma Pierce County Black Collective
From: Noemie Maxwell, Justice Works! 206-725-9189
info@fix3strikes.org (contact info has been updated)
Date: January 10, 2009
Re: 3-Strikes Reform

ON THE LAW

"Alongside drug sentences, "Three Strikes" offenses are perhaps the most objective example of notorious racial disparity in Washington State. Under "Three-Strikes," African Americans are sentenced to life in prison with no possibility of parole at a rate nearly 19 times higher than for white offenders. Same crime - more time. The most frequently used "third strike" is robbery 2 - an offense that does not involve injuries to innocent bystanders or brandishing a weapon, but nevertheless triggers an automatic life sentence with no possibility of parole for those convicted with two prior felony convictions." Le Roi Brashears, member of First AME Church, Seattle which is a signatory to statement on 3-Strikes reform at fix3strikes.org. Quoted from "Washington State's War on the Black Family, 12/12/08, Washblog.

Forty five percent of all "three-strikers" in prison for life in Washington are African American. The most common trigger for this sentence is Robbery 2, an un-armed, no-injury crime in the lowest quartile of criminal seriousness under state law.

Simple, narrow changes to the three-strikes law could make it fairer. I'm asking for your help to motivate our Legislature to fix the three-strikes law.

In 2001, Washington's Sentencing Guidelines Commission (SGC) recommended removing Robbery 2 from the list of crimes that trigger Life Without Possibility of Parole under the state's three-strikes law. The SCG also recommended an evaluation of Assault 2, as some forms of the crime are "probably not commensurate" with a life sentence.

Robbery 2 and Assault 2 are classified in the lowest quartile of criminal seriousness under state law at RCW 9.94A.515. They carry a standard sentence of 3 months to 7 years.

More than a decade after implementation, research demonstrates that three strikes laws are associated with high social and fiscal costs, uncertain public safety benefits and significantly higher homicide rates. We know also that, in recent years, Washington state prosecutors have regularly offered plea bargains to defendants to allow them to avoid three strikes sentences in cases of lower- seriousness crimes. This results in unequal protection for defendants who do not have this same justice extended to them.

ON THE LEGISLATION

Since the Sentencing Guidelines Commission's 2001 recommendation, legislators have repeatedly – and unsuccessfully – introduced bills to remove Robbery 2 and Assault 2 from the 3-Strikes list. A list of these bills appears at fix3strikes.org/legislation.html. This session, Senator Adam Kline has introduced a bill to remove Robbery 2.

ON ACHIEVING REFORM

A strong voice of public support from across Washington state will allow this bill to succeed. We have been told by legislators who want to change the law that a “public outcry” is required. Other organizations that have made 3-Strikes reform a legislative priority this year:

Friends Committee on Washington Public Policy
King County Democrats Legislative Action Committee
Lutheran Public Policy Office of Washington State
Minority Executive Director's Coalition
Religious Coalition for the Common Good
Washington State Unitarian Universalist Voices for Justice

Crime has become such a highly politicized topic that legislators find it difficult to enact even the most commonsense reforms. The voice of the public is essential. It is hoped that legislative efforts on 3-strikes can add to the strength all organizations advocating for criminal justice policies that are more just, racially equitable, cost-effective, protective of public safety, and humane. This is a particularly promising time to work in this area, given the current fiscal crisis and the savings in cost that can be achieved with criminal justice reforms that also advance public safety.

SUGGESTED FOR YOUR CONSIDERATION

- To support legislation that reforms this law, including Senator Kline's bill to remove Robbery 2 by contacting your legislators.
- To join 17 other organizations in a statement supporting reform at <http://fix3strikes.org>.
- To host a presentation to your members on this issue. Call Justice Works! 206-725-9189.
- To participate in African American Legislative Day on February 16, 2009, to advocate for this and other policy issues of critical importance. Call A. Philip Randolph Institute for more information: 206-770-7697.
- To participate in other lobby days during which 3-Strikes reform will be advocated.

More information available at <http://justiceisnogo.org> and <http://fix3strikes.org>

BILL REPORT

Senate Bill 5292

As of January 27, 2009

Title: An act relating to persistent offenders.

Brief Description: Concerning persistent offenders.

Sponsors: Senators Kline, Hargrove, Pridemore, Kohl-Welles, Regala and McDermott.

Brief History: Committee Activity: Judiciary:

Staff: Juliana Roe (786-7438)

Background: There are currently 292 offenders in prison pursuant to a "three strikes sentence:" a sentence of life in prison. One hundred and thirty-nine of these prisoners have been convicted of a **most serious offense robbery in the second degree or an attempt thereof** for at least one of their three strike offenses. Pursuant to RCW 9.94A.030:

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

- (a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;
- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;**
- (p) Sexual exploitation;
- (q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
- (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
- (s) Any other class B felony offense with a finding of sexual motivation;
- (t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;
- (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
- (v)(i) A prior conviction for indecent liberties under **RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW

9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988; (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) the crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

Summary of Bill: A conviction of robbery in the second degree or an attempt thereof is not considered a most serious offense and the offender is not considered a persistent offender. This law is retroactive. If the offender was sentenced prior to the effective date of this act, the offender must have a resentencing hearing if a current or past conviction for robbery in the second degree or an attempt thereof was used as a basis for the finding that the offender was a persistent offender.

The prosecutor, for the county in which the offender was sentenced as a persistent offender, will review the sentencing documents. The prosecutor must, and the offender is allowed to, make a motion for relief from sentencing to the sentencing court if the offender is eligible. The sentencing court must grant the motion and set an expedited date for resentencing if it finds that the offender was sentenced as a persistent offender pursuant to being convicted of robbery in the second degree or an attempt thereof. The court must sentence the offender as if the offense was not a most serious offense at the time the original sentence was imposed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The section relating to retroactivity expires July 1, 2011.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Restore the Right to Vote

The ACLU of Washington supports legislation that automatically restores the right to vote to citizens who have come out of the criminal justice system.

OUR CURRENT SYSTEM: UNWORKABLE AND UNFAIR

This November, more than 3 million people in Washington participated in our federal, state and local elections. It is exciting that so many people took the time to make their voices heard.

But there are more than 167,000 Washington citizens who are prohibited from engaging in this most essential part of democracy because of our state's unnecessarily complicated system for restoring voting rights. Poor people and people of color are hit the hardest, with 17% of African Americans and 10 % of the voting age Latino population prevented from voting under our current laws.

AUTOMATIC RESTORATION: PROVIDES A BRIGHT LINE FOR ELECTIONS OFFICIALS, MEANS A SAFER COMMUNITY FOR US ALL.

- **Reduces the risk of reoffending:**
Restoring the right to vote encourages people to reconnect with their communities and become good citizens. Research has shown that people who voted after being released are 50% less likely to be re-arrested than those who did not vote.

- **Separates personal financial circumstances from one's right to vote:**

The right to vote should never be tied to a person's financial means. Currently, citizens are prevented from voting until they have repaid all of their Legal Financial Obligations—fees and other costs associated with their sentence. Our laws impose a 12% interest rate on these debts. Many people coming out of the criminal justice system find their debt increasing despite making monthly payments – essentially assuring that poor individuals will lose the right to vote permanently.

- **Simplifies a complicated, costly, and ineffective process**

Under our current laws, it can still take nine separate steps, involving state and county officials and several forms and petitions, to regain the vote. In fact, there are at least five different ways to regain the right to vote, depending on when and where the person was sentenced. Even elections officials often are unsure who is and is not eligible to vote.

Automatic restoration works in other states!

Thirteen other states, including Oregon, plus the District of Columbia, automatically restore the right to vote.



Become a member and join the E-mail Activist Network today online at www.aclu-wa.org

AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON
705 2ND AVENUE, 3RD FL., SEATTLE, WA 98104
T/206.624.2184 WWW.ACLU-WA.ORG

Changing Requirements For The Restoration Of The Right To Vote
HB 1517 and SB 5534

Bill Summary: These bills change the way the right to vote is restored to people who have been convicted of a felony.

- **Separates the requirements for issuing a Certificate of Discharge and restoring the right to vote.** Currently, the right to vote is only restored after the sentencing court issues a Certificate of Discharge. The COD process is complicated and can only begin after the person has completed all conditions of the sentence including full payment of all legal financial obligations. These bills restore the right to vote before full payment of the legal financial obligations. The debt will not be discharged when the right is restored and the county clerk will continue to have the legal authority to collect payments until the debt is fully paid.
- **Automatically restores the right to vote as long as the person is not under the authority of the Department of Corrections.** People who are incarcerated, in a work release program or serving a term in the community on probation or parole will be prohibited from voting. Once the person has completed all obligations to the Department of Corrections the right to vote will be automatically restored and the person can register to vote. Elections officials will be easily able to verify whether the voter has had the right restored by referring to the Department of Corrections database.
- **Clarifies the notification given to offenders at sentencing.** The sentencing judge will notify the person at sentencing that his or her right to vote is lost upon conviction but will be automatically restored when he or she is no longer under the authority of the Department of Corrections. The judge will also notify the person that he or she must register to vote after that right has been restored in order to participate in an election.

Voting Rights Restoration Coalition

www.getthevoteback.org

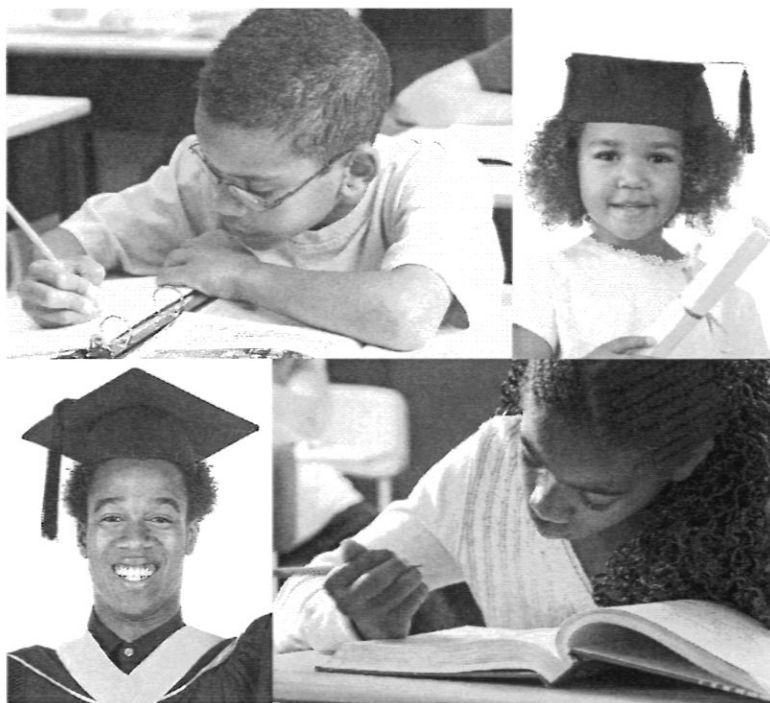
- Asian Pacific Islander Coalition of King County
- Black Collective
- Brennan Center for Justice
- Center for Justice
- Demos: A network of ideas and action
- El Centro de la Raza
- Friends Committee on Washington Public Policy (FCWPP)
- Holistic Opportunities for Personal Empowerment
- Jewish Prisoner Services International
- Justice Works!
- Lutheran Public Policy Office of Washington State (LPPO)
- Mothers for Police Accountability
- Minority Executive Directors Coalition of King County (MEDC)
- National Asian Pacific American Women's Forum—Seattle Chapter
- OneAmerica
- Puget Sound Alliance for Retired Americans
- Real Change News
- Religious Coalition for the Common Good including:
 - A. Philip Randolph Institute Pastor's Committee
 - Church Council of Greater Seattle
- Seattle/King County NAACP
- Statewide Poverty Action Network
- League of Women Voters of Washington
- The National Alliance on Mental Illness (NAMI)
- Washington ACORN
- Washington Association of Churches Washington
- Washington Association of Criminal Defense Lawyers (WACDL)
- Washington Community Action Network (Washington CAN)
- Washington Defender Association (WDA)
- Washington Low Income Housing Alliance
- Washington State Bar Association (WSBA)
- Washington State Coalition for the Homeless
- Washington State Catholic Conference
- Washington State Commission on African American Affairs
- Washington State Commission on Hispanic Affairs
- Washington State Labor Council
- Washington State National Organization for Women (NOW)
- Washington State Unitarian Universalist Voices for Justice
- Yakima NAACP

Individuals

- Ron Sims, King County Executive
- Larry Gossett, County Council Member
- Joaquin Avila, Seattle University School of Law
- Rev. Jimmie James
- Jon Gould
- Nick Licata, Seattle City Council

For more information about the Voting Rights Restoration Coalition, please contact Gabriela at 206-624-2184 or gquintana@aclu-wa.org. Please visit www.getthevoteback.org

A Plan to Close the Achievement Gap for African American Students



Submitted by the HB 2722 Advisory Committee
with support from the Center for the Improvement of Student Learning

“It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, **without distinction or preference on account of race, color, caste, or sex.**”

Article IX, Washington State Constitution



Dedication

The HB 2722 Advisory Committee dedicates its work to the future of the more than 57,000 African American students in the state of Washington.

“We have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we may direct their power toward good ends.”

Mary McLeod Bethune

Executive Summary



EDUCATIONAL INEQUALITY: A GROWING CRISIS

In today's public schools, success for African Americans is too often elusive. Our society still bears the legacy of a long history of racism, exclusion and low expectations for African American children, and our public education system has not adequately responded to remedy this situation.

This persistent challenge is deeply harmful to the African American community, to our state, our nation, and our democracy. With every passing year, the damage mounts and the danger to our future grows more acute.

Lower rates of high school graduation lead to less employment, higher rates of incarceration, ill health, substance abuse, and intergenerational poverty. No failure is more costly than the failure to educate our African American children.

These are problems of our whole society – problems with deep roots in our nation's history. But while we cannot change the past, we can and must change the education system that shapes our future.

CREATING A PLAN TO CLOSE THE ACHIEVEMENT GAP FOR AFRICAN AMERICAN STUDENTS

In 2008, the Washington State Legislature passed HB 2722, which called for the appointment of an Advisory Committee charged with creating a plan – which, when fully implemented, will close the education gap for African American students.

Beginning in May 2008, the newly appointed HB 2722 Advisory Committee took on this challenging charge. Early in the course of its work, the Committee identified five key areas of education that contribute to both the

challenges and the solutions of the achievement gap for African American students.

1. Teacher quality – *knowledgeable professionals who effectively meet the academic, cultural and social needs of students*
2. Teaching and learning – *structured, rigorous and culturally responsive curriculum and instruction*
3. School and district leadership – *a commitment to high achievement for all students that intentionally guides policies and practices*
4. Student support – *academic, social, psychological and cultural resources students need to succeed*
5. Family and community engagement – *partnerships that inform and support academic achievement*

Closing the achievement gap will require more than implementing a particular program or two. It will require commitment, political will, deliberate actions and the alignment of efforts across the education system. Ultimately, the Committee sees that this work is about changing the education system and the culture of schools for African American students.

WORKING TOWARD A MORE EQUITABLE SYSTEM

Recommendations for Policy and Systemic Change

Our public schools are based on an outmoded system that was not designed to ensure the success of the wide diversity of students that are currently enrolled. We must examine the systems in which our districts, schools and classrooms operate and ask what the systems themselves are doing to close the achievement gap for African American students. With this report, the committee presents the following recommendations, which will promote a shift to a more equitable system:

1. Include specific language in RCW 28A.150.210, the state’s Basic Education Act, that spells out the requirement for all Washington P-12 students to be provided an “excellent and equitable” education.
2. Expand the state’s definition of Basic Education to include early learning for three- to five-year-olds at risk of not meeting state learning standards, as recommended by the Joint Task Force on Basic Education Finance.
3. Revise the State Board of Education’s School Improvement Plan requirements under WAC 180-16-220 to require districts and schools to close achievement gaps.
4. Establish in the Center for the Improvement of Student Learning (CISL) in the Office of Superintendent of Public Instruction (OSPI) an appointed, statewide achievement gap oversight committee to monitor the implementation of school and district plans to close the achievement gap for African American students.

5. Direct the Higher Education Coordinating Board, OSPI, State Board of Education, and the Workforce Training Board to collaborate in revising existing and in developing new agreements to increase college access and technical career opportunities for African American students.
6. Establish collaborations between higher education and school districts to co-create and co-deliver pre-service and in-service programs with an emphasis on school climate, engaging diverse classrooms, and instructional strategies for diverse students.

ASSUMPTIONS FOR SUCCESSFUL IMPLEMENTATION

The recommendations, goals and strategies in this Plan to Close the Achievement Gap for African American Students are built on assumptions about statewide work currently underway or being proposed. These six assumptions, or their equivalent, need to be upheld for the successful implementation of this Plan.

1. The State Board of Education will continue to:
 - a. advocate for high standards for all children.
 - b. ensure that summative assessment instruments such as the Washington Assessment of Student Learning provide sufficient data to accurately and reliably report disaggregated student progress.
 - c. require a high quality curriculum, as in “Core 24,” that prepares students for global competitiveness.
2. The Professional Education Standards Board must continue to:
 - a. work with the Washington Association of Colleges of Teacher Education to ensure that the recommendations for educator preparation currently in place are successfully implemented and supported.
 - b. work to successfully recruit and retain African American educators.
3. The data systems for students and teachers to be included in the Comprehensive Education Data and Research System must be completed in full so that there can be easy access, efficient tracking and effective communication of data. Without completion of this data system, we will have no means of tracking the success of our recommendations.
4. The Department of Early Learning must continue to advocate for programs that support children birth through five, and for those that educate and inform parents.
5. OSPI must ensure that issues raised in this plan are successfully and fully integrated into the vision and work of the agency.
6. New policies must be developed to ensure that the most vulnerable students receive effective instruction from our most powerful teachers.

A PLAN TO CLOSE THE ACHIEVEMENT GAP FOR AFRICAN AMERICAN STUDENTS

Closing the achievement gap for African American students will require attention and action at every level of the education system. Statewide leadership must create the policies to guide expectations and provide the resources to support implementation. In response, local districts, schools and organizations must take thoughtful actions – building on assets and addressing needs appropriate to their community. To focus these efforts statewide, the HB 2722 Advisory Committee agreed on four key goals spanning 15 years to close the achievement gap.

GOAL 1

Teacher quality

By 2014, all school districts ensure that teachers, staff and administrators in schools with 20 percent or more African American students are qualified, trained and effectively meeting the academic, cultural and social needs of these students.

GOAL 2

Early learning

By 2014, provide all African American children, birth to five, with high quality and academically focused early education to prepare them for success in school.

GOAL 3

Graduation rates

Increase the on-time and extended graduation rates for African American students to reach parity with the highest-performing demographic group by 2014, and to achieve a 100 percent graduation rate by 2018. All graduates should be work- and college-ready without the need for remediation.

GOAL 4

Post-secondary education and job training

By 2018, increase the number of African American students entering and completing post-secondary education and/or job training to be at or above parity with the highest-performing demographic group, and to achieve 100 percent participation by 2024.

FIRST STEPS IN IMPLEMENTATION

Beyond the policy changes to provide guidance and direction to closing the achievement gap for African American students, the Committee is proposing two critical actions. After careful consideration, the committee determined a singular focus with two action steps would make a significant impact on the progress of African American students while being fiscally responsible in these economically challenging times.

Target school districts with 20 percent or more African American students, called “Achievement Gap districts” in this plan, and:

1. Authorize OSPI to provide resources to selected Achievement Gap districts to revise district improvement plans to include specific goals, strategies and monitoring benchmarks to close the achievement gap for African American students. Utilize current funding available through the Focused Assistance – School and District Improvement and Accountability program to support this effort.
2. Allocate a planning grant (\$100,000) to OSPI to develop a plan for the implementation of K-12 demonstration Millennium schools focusing on the science, technology, engineering and mathematics (STEM) areas. The demonstration Millennium Schools will showcase rigorous, structured and culturally responsive curriculum; strong leadership; high quality teachers; supplementary student support and parent training (see Appendix G, page 81).

These two actions will give local districts and schools the opportunity to address the four goals and implement strategies proven to reduce the achievement gap for African American students. A three-biennia (2009-15) implementation plan is presented in this report (page 38).

A VISION FOR SUCCESS

Taken together, the Advisory Committee believes these actions can turn the tide for African American students, and lead to higher educational attainment for the more than 57,000 African American children, preschool to graduation and beyond. This, in turn, will contribute to lowering costs for social services, health care, and criminal justice – the systems that now carry the burden of our past failures to educate young African Americans. But more important, success in educating African American young people will make a significant contribution to the health of our democracy and specifically to economic recovery and development. The intelligence, talent, and imagination of this generation of African American students are precious resources, and we are all called to invest in their fullest development.

**Thanks to these organizations for supporting
African American Legislative Day 2009**

- A. Phillip Randolph Institute
- Afragenesis Radio
- African American Prosperity Partnership
- Alpha Kappa Alpha Sorority
- Bembry Consulting Services
- Central Area Chamber of Commerce
- Center for Multicultural Health
- City Year
- Community Leadership Coalition & Alliance (CLCA)
- Comprehensive Health Education Foundation
- Delta Sigma Theta Sorority
- Elafalan Computer Consulting
- Prince Hall Community Development
- Saint Martins University
- Tabor 100
- The Breakfast Group
- The Bremerton Branch of the NAACP
- The Facts Newspaper
- The Masons and Eastern Stars of Fred U. Harris Lodge #70
- The Office of the Education Ombudsman
- The Seattle Branch of the NAACP
- The Seattle Medium, Tacoma True Citizen, and KRIZ/KZIZ Radio
- The Skanner Newspaper
- The Tacoma Branch of the NAACP
- The Tacoma Ministerial Alliance
- The Tacoma/Pierce County Black Collective
- The Urban League of Metropolitan Seattle
- The Washington State Patrol
- Ujima Consultants
- Zeta Phi Beta Sorority

Thanks to these organizations for their support with transportation and promotion

- Allen A.M.E. Church, Pastor Warren Freeman
- Ebenezer A.M.E. Church, Pastor Dennis Payne
- First A.M.E. Church, Pastor Carey Anderson
- Follow the Light Koinonia Church, Elder Joseph Palmer
- Full Gospel Pentecostal Federated Church
- Goodwill Missionary Baptist Church, Pastor Gary L. Tyson
- Greater Trinity Missionary Baptist Church, Pastor Paul Stoot
- Mount Zion Baptist Church, Pastor Samuel B. McKinney
- Tabernacle Missionary Baptist Church, Pastor Robert Manaway
- The Tacoma Ministerial Alliance and its member churches

AFRICAN AMERICAN LEGISLATIVE DAY

2009

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Washington State Commission on

African American Affairs